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DATE: September 21, 2007

TO: Examiner Brendan O. Baggot  
TC Art Unit: 1638

Fax No.: (571) 273 8300

FROM: Charles L. Gagnebin III

No. of pages transmitted  
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Our File: MBP-033XX

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Application No. 10/566,201  
Filed Date: January 27, 2006  
Confirmation No.: 8282

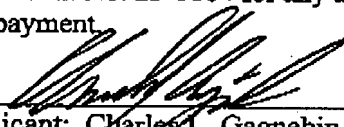
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MESSAGE

PLEASE DELIVER DIRECTLY TO:  
EXAMINER BRENDAN O. BAGGOT, Tel. (571) 272-5265  
TC ART UNIT NO: 1638

**FOR ENTRY**

Enclosed for filing please find a Response.

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
Attorney for Applicant: Charles L. Gagnebin III  
Registration No. 25,467

CLG/mrb/357250.1

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Application No.: 10/566,201  
 Filed: January 27, 2006  
 TC Art Unit: 1638  
 Confirmation No.: 8282

Rev 9/06

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Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: September 21, 2007

Attorney

Docket No.: MBP-033XX

Sir:

In re application of: Artur Pfitzner et al.

Entitled: **INDUCIBLE PROMOTERS FOR THE EXPRESSION OF PROTEINS IN PLANTS AND METHOD FOR DETECTING THEM**

Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17(e).  
☐ Enter the unentered amendment previously filed on per §1.116.

☒ Small Entity Status is asserted.

☐ A Petition for Extension of Time for month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17.

☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

☐ Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	2 - 3	= 0	x \$200.00 =	0
Total	32 - 32	= 0	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE				0

☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ ) for the cost of same.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Brendan O. Baggot, TC Art Unit 1638, Fax No. (571) 273 8300, on 9-21-07.

Attorney of Record: Charles L. Gagnebin III

Registration No.: 35 463

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PAGE 2/4 \* RCVD AT 9/21/2007 1:33:12 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-2/10 \* DNIS:2738300 \* CSID:16174510313 \* DURATION (mm-ss):01:46

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PATENT

SEP 21 2007

Rev 02/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Artur Pfitzner, et al.  
Application No. : 10/566,201  
Filed : January 27, 2006  
Confirmation No. : 8282  
For : INDUCIBLE PROMOTERS FOR THE EXPRESSION OF  
PROTEINS IN PLANTS AND METHOD FOR DETECTING  
THEM  
Examiner : Brendan O. Baggot  
Attorney's Docket : MBP-033XX

TC Art Unit: 1638

\*\*\*\*\*  
I hereby certify that this correspondence is being sent via  
facsimile to Examiner Brendan O. Baggot, TC Art Unit 1638, Fax No.  
(571) 273 8300, on 9-21-7.

By: 

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

\*\*\*\*\*

RESPONSE

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 21, 2007,  
Applicants request that the Office Action be withdrawn and a new  
Office Action issued. In the Office Action of June 21, 2007 only  
a non-elected invention, the NIMIN-1 promoter of SEQ ID NO:1, has  
been examined. However, on March 16, 2007, Applicants elected SEQ

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Application No. 10/566,201

Filed: January 27, 2006

TC Art Unit: 1638

Confirmation No.: 8282

ID NO:2 for examination, as required by the Restriction Requirement mailed February 16, 2007.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

Artur Pfitzner, et al.

By: 

Charles L. Gagnebin III

Registration No. 25,467

Attorney for Applicant(s)

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GAGNEBIN & LEBOVICI LLP

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